

CONSERVATION COMMISSION MEETING  
PUBLIC HEARING  
July 20, 2005  
Approved August 17, 2005

Members present: Charlie Schmitt, Phil Grant, Pat Cote, and Bonnie Geromini

Meeting opened at 8:00 pm.

-Charlie Schmitt called the meeting to order. He reviewed the Notice of Intent for 131 Stony Hill Road to construct a single family home.

-Heather Stavros from Pioneer Environmental representing BB Holdings II, LLC of Hampden, MA. reviewed the intent. BB Holdings proposed to construct a single family home and garage, landscaping, septic system, and drinking well. Previously the site housed a single family home and garage which were removed prior to the filing. The proposed activity falls within the 100-foot buffer zone, but outside the 25 foot no disturb buffer zone of the Hampden Wetland Town By-law. A bordering vegetated wetland exists along Stony Hill Road and behind the former residence which is clearly marked by topographical changes. Blue wetland flags delineating the easterly and westerly edges have been done. A Rare Species Request Form dated June 28, 2005 has also been sent to Natural Heritage.

-A site walk for both properties with a third party consultant could not be arranged in time for the public hearing and review from Natural Heritage has not been received. Site walk is scheduled for Tuesday, August 2, 2005 at 8 am.

-Pat Cote asked why there were no topo lines. Heather states it was an oversight and she will have them for the next meeting.

-Charlie Schmitt made motion to continue hearing until Wednesday, Aug. 3, 2005 at 8:00 pm. Pat Cote second. Voted to approve.  
Yes: Charlie Schmitt, Phil Grant, Pat Cote and Bonnie Geromini.  
No: None

-8:23 pm- Tall Pines, Stony Hill and Allen Street  
Charlie Schmitt made motion to open meeting for Tall Pines. Heather Stavros from Pioneer Environmental representing BB Holdings II, LLC of Hampden, MA. stated they have not received review from Natural Heritage and requested meeting be continued.

-Charlie Schmitt made motion to continue meeting until August 3, 2005 at 8:30 pm. Voted to approve. Yes: Charlie Schmitt, Phil Grant, Pat Cote and Bonnie Geromini.  
No: None

-Heather provided a brief overview of project. The site is 32 acres outlined in blue on map, located north of Allen Street and west of Stony Hill Road. The westerly boundary is

delineated by flag C100-128 and an isolated wetland has been identified. WMECO has an easement which exists along the westerly property line. Blue wetland flags delineate the westerly edge of a BVW, on a portion of property identified as 131 Allen Road. An off-site vernal pool has been identified and certified.

-The proposed work is part of a 55 and older residential community on a site of a former children's day camp. The existing site has an open field and wooded land with a dirt roads and paths throughout. The remains of a concrete basketball court and pool, as well as small dilapidated buildings are located within the field area. The property is in two different portions, one a wetland property and the other a 55 residential community. Residential portion of property has been zoned for PURD.

-Charlie Schmitt asked if this property could be expanded in the future.

-Gordon Phelps, 63 Greenleaf Dr. also asked if property could be added onto in the future.

-Gary Weiner from ECOTEC responded that if additional property was acquired, the PURD could be added onto but it would have to go back to the Planning Board and to the Town for a vote to have it zoned as a PURD.

-Gordon Phelps, Greenleaf Drive- questioned whether a home could be built next to his home.

-Gary Weiner responded they could not unless additional land was purchased and they go through the whole process again.

-Gordon Phelps questioned where the open space would be and percentage of the total parcel.

-Gary Weiner identified the open space as designated on the plans and the 30 foot buffer around the perimeter of some of the property.

-Charlie Schmitt stated that under a PURD a 30 foot buffer strip is needed but does not necessarily have to be original buffer. Weiner agreed. However, the entrance way cannot abide by that regulation.

-Gordon Phelps stated that land has been cleared and is in the open space area.

-Charlie Schmitt asked what the conditions of the PURD are relative to this area, open space or undisturbed.

-Gary Weiner answered that it was open space dedicated.

-Charlie Scmitt asked why they would have cleared that land.

-Gary Weiner responded that they wanted a staging site for a cul de sac. A limited work line had been laid out and they were clear of that. The work lines laid out mimics the topography cuts that were made to build. Land had been surveyed and flags set out to make sure that the work did not intrude beyond what was on the plans.

-Bonnie Geromini asked if clearing has already been done without a Notice of Intent being approved.

-Gary Weiner responded in the affirmative and that the developer felt it was in his best interest to begin as soon as possible.

-Charlie Schmitt responded that the explanation he received was that the logging company was available for a brief window.

- Phil Grant states that logging had been going on for some time because of the distance they had already cleared when he went there.
- Charlie Schmitt responded the owner understands that it was not in anyone's best interest to do that because we are going to wait again for Fish and Wildlife determination and there will be a continuation of this until we get the reply.
- Gordon Phelps states that he is concerned that the cutting has already taken place in the wetlands.
- Bonnie Geromini asks if pink lines are for wetlands. Weiner responds that the pink is 100 foot buffer and the green line designating wetlands.
- Charlie Schmitt explains that when he went to inspect cutting, equipment was in the front of where dirt drive comes in and they went 10 to 15 feet inside of buffer area in order to get the width needed to get equipment through and when questioned about it, the operator had some confusion as to the station point from middle of road and 50 foot setback line. Once owner of logging company was made aware of concerns, he stopped immediately and withdrew his equipment.
- Donna Ainsworth, 342 Allen Street stated she felt there was no way they could not have known they were coming into the 100 foot line. She felt that this was done intentionally.
- Charlie Schmitt states that this would not have served anyone purposes as they have gone to a lot of trouble to do things properly and that the logging operator honestly was confused about the setback lines.
- Bonnie Geromini states that it is water over the dam but they should not have gone in there when Gary Weiner had filed a Notice of Intent and the Commission had not voted on anything or issued any Order of Conditions. Fines could be levied because of this.
- Donna Ainsworth asked if fines could be levied with impunity.
- Charlie Schmitt states that the Commission has at their disposal, Enforcement Orders and fines and those could be levied. However, he would prefer to see how things proceed from this point on and act accordingly.
- Bonnie Geromini states that she doesn't believe they did not know. It is really had to believe that a person who does logging work wouldn't look around and check for wetlands.
- Charlie Schmitt responded if there was any intent it was on the part of the loggers and not Michael Cimmino's. Geromini agreed that it was not Michael Cimmino's fault.
- Pat Cote responded that going ahead before receiving an okay matters a great deal because of the areas that are in this project such as vernal pools, endangered species, etc.
- Charlie Schmitt states that Michael Cimmio generally does things in good faith.
- Gordon Phelps asked about septic design for the project and who had witnessed perc tests. He states that when percs were done, Billy Bond did the digging and was the only one there.
  
- Gary Weiner identified area of perc tests on design plans. Mr. Robert Cafarelli, P.E. of Civil Engineering Associates conducted the percs and Lori McCool, Board of Health Agent witnessed.
- Gordon Phelps asked if percs have been approved.
- Gary Weiner states the percs that were done were passing percs and they did 2 for each unit.

-Heather Stavros explained that no activity is proposed within the BVW within the 25 foot no disturb zone under the Town of Hampden's Wetland Bylaw and throughout the majority of the site a 50 foot or greater buffer zone will be maintained.

-Gary Weiner explained that the construction of the stormceptor and rip-rap outlet will occur within the 50 foot buffer zone, but outside the 25 foot no disturb zone.

All storm water will be treated and infiltrated on-site up to and including the volume and peak flow from a 100 year storm event. The storm water system proposed collects runoff from the roadway in thirteen deep sump hooded catch basins. From each set of catch basins, storm water will either enter a leaching chamber or perforated pipe and then discharge to stormceptors surrounded by stone which discharge to stone lined retention basins. The stormceptors have oil, grease and sediment removal chamber so that storm water entering it is swirled and all the heavy and lighter particles are settled out into multiple chambers. It is 8 ft long, 6 ft. wide and 5 ft. deep.

-Charlie Schmitt asked if this was going to be a private road.

-Gary Weiner said yes and the road will be maintained by the homeowners. In the Notice of Intent there is a yearly review of the maintenance of the road regarding drainage and a cleaning schedule of stormceptors that will come to the Conservation Commission.

-Charlie Schmitt asked Clerk to set up a timetable and date book for these reports so that we can keep track of them.

-Gary Weiner also explained what causes the infiltration trenches to become ineffective is the sediment getting into them. The plan calls for perforated pipe with socks or sleeves that goes over the pipe and prevents sediment from infiltrating the stone.

-Gordon Phelps questioned whether water being discharged into area owned by the Mass. Electric Co. will cause a problem.

-Bonnie Geromini asked if they are included in the loop if more water will be directed towards their property.

-Gary Weiner explained that the water is being given back to the wetlands the way they came in with no added water to the property.

-Gordon Phelps asked when the property was flagged for wetlands. Heather Stavros replied that it had been done in the spring and that the wetlands were easily delineated due to the changes in soil and topography.

-Charlie Schmitt also stated that the Commission would be having a consultant review the property and asked Donna Ainsworth permission for consultant to go on her property when he is out there.

-Donna Ainsworth agreed.

-Gary Weiner states that additional property was purchased to keep the roadway within the proper buffer zones. There is a replanting plan in place to plant a screening of trees to replace pines.

-Donna Ainsworth states that there has been a lot of misuse on the property in the past and that there is some value in having this project go forward but her concern is for the protected wetland and that it is protected for a reason.

-Charlie Schmitt replied that is what we why we are having the hearing.

-Gordon Phelps questioned the species of frogs that were on property.

-Bonnie Geromini states that Fish and Wildlife often will not let you know the names of an endangered species because they do not want people to go out there looking for them.

-Heather Stavros explained that the only work being proposed within the 100 foot BVW buffer zone is the construction of a stormceptor and rip-rap outlet. There will be two retention basins and an infiltration trench.

-Bonnie Geromini asked if the berms on the side of the road and the entrance are going to be rounded curbing so wildlife can get by?

-Gary Weiner responded that Cape Cod berms will be used.

-Gary Weiner states that they have filed with the EPA under their new NOI guidelines for more than one acre of disturbance. The purpose of the NOI is for erosion control issues.

-Charlie Schmitt asked if there is any filing necessary with flood plain or Army Corps.

-Gary Weiner replied, no.

-Donna Ainsworth asked how we get them to keep the promises they have made.

-Charlie Schmitt answered there are several options used to make sure the promises are kept including Deed restrictions and Order of Conditions.

-Charlie Schmitt made motion to continue meeting until August 3, 2005 at 8:30 PM.

Second by Pat Cote. Unanimous approved. Voting yes: Charlie Schmitt, Phil Grant, Pat Cote and Bonnie Geromini. Voting no: None

Submitted by Judy Mikkola